

**SUPREME COURT MINUTES
THURSDAY, OCTOBER 15, 1998
SAN FRANCISCO, CALIFORNIA**

S012852 People, Respondent

v.

Robert Edward Maury, Appellant

Appellant Robert Edward Maury's opening brief shall be filed on or before Monday, November 2, 1998. If the brief is not filed by that date, the court will consider issuing an order directing counsel Joseph E. Chabot to show cause before this court, when the matter is ordered on calendar, why counsel should not be held in contempt of court and sanctions imposed for the delay in the appellate process occasioned by the numerous extensions of time to file the brief that this court has granted since August 1996.

S035348 People, Respondent

v.

Robert Smith, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including December 14, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S067104 People, Respondent

v.

Cruz Alberto Mendoza et al., Appellants

On application of respondent and good cause appearing, it is ordered that the time to serve and file answer brief on the merits is extended to and including November 16, 1998.

S070780 In re George Hatton Smithey

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including December 8, 1998.

S071500 Thomas A. Bockrath, Appellant

v.

Aldrich Chemical Company et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including November 9, 1998.

S071649 Robert J. Till et al., Appellants

v.

Ablestik Laboratories et al., Respondents

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' answer brief on the merits is extended to and including November 9, 1998.

S071652 Barbara Brock et al., Appellants

v.

Air Products & Chemicals, Inc. et al., Respondents

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' answer brief on the merits is extended to and including November 9, 1998.

S073125 In re Royal Kenneth Hayes

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including December 14, 1998.

S020803 People, Respondent

v.

Richard Bert Stewart, Appellant

The application of appellant for relief from default to file the appellant's opening brief is granted.

S020803 People, Respondent

v.

Richard Bert Stewart, Appellant

The application of appellant for permission to file an oversized appellant's opening brief is granted.

S034725 In re Andre Burton
on
Habeas Corpus

The motion of respondent for relief from default to file the return to the order to show cause is granted.

S004553 People, Respondent
Crim. v.
23155 Kelvin Shelby Malone, Appellant

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned prisoner Kelvin Shelby Malone, filed September 16, 1998, is hereby granted.

The order appointing Stephen Matchett as counsel of record for condemned prisoner Kelvin Shelby Malone, filed October 3, 1994, is hereby vacated.

Peter Giannini is hereby appointed as attorney of record for condemned prisoner Kelvin Shelby Malone. Counsel is appointed for purposes of all post-conviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S072494 In re **Russell E. Hlywa** on Discipline

It is ordered that **Russell E. Hlywa** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on conditions including actual suspension for seven months. Credit toward the period of actual suspension is to be given for the period of interim suspension which commenced on October 6, 1997 (*In re Young* (1989) 49 Cal.3d 257, 270.) He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed June 24, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of this order and provide the State Bar Probation Unit with satisfactory proof that he has passed that examination within said time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar

pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions section 6140.7.

S072495 In re **Timothy McCandless** on Discipline

It is ordered that **Timothy McCandless** be suspended from the practice of law for one and one-half years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed April 28, 1998, as modified on May 15, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S072496 In re **Tracy Lynn Stewart** on Discipline

It is ordered that **Tracy Lynn Stewart** be suspended from the practice of law for two years and until she has satisfactorily shown her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of said suspension be stayed, and that she be placed on probation for three years on conditions including actual suspension for 90 days and until she makes restitution to Lilo Pair in the amount of \$562 plus 10% per annum interest from October 10, 1994, to Etta Smith in the amount of \$750 plus 10% per annum interest from March 15, 1995, to Alvaro Perez in the amount of \$1,000 plus 10% per annum interest from January 30, 1995, and to Naitoga Aiono in the amount of \$750 plus 10% per annum interest from June 29, 1995, or to the State Bar Client Security Fund if appropriate, and furnishes satisfactory proof thereof to the State Bar Probation Unit. If her actual suspension should continue for two years or more, she shall remain actually suspended until she has satisfactorily shown her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii). She is also ordered to

comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed on June 3, 1998. It is further ordered that she comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in the manner provided by the above-mentioned order of the State Bar Court (Business and Professions Code section 6140.7).

*(See Business & Professions Code, § 6126, subd. (c).)

S072497

In re **Steven Solano** on Discipline

It is ordered that **Steven Solano** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 75 days and until he makes restitution to Ella Christine Caldeira (or the Client Security Fund, if appropriate) in the amount of \$26,783.66, plus 10% interest per annum from the effective date of this Order and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 22, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year of the effective date of this Order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If the period of actual suspension is 90 days or greater, he is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are

awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S072498 In re **John R. Lothrop** on Discipline

It is ordered that **John R. Lothrop** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. He is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed June 3, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S072499 In re **Frederick Hill Stein** on Discipline

It is hereby ordered that **Frederick Hill Stein** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7, as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

